

Serial No. **10/618,637**

Docket No. **P-0552**

Amdt. dated July 31, 2006

Reply to Office Action of May 4, 2006

### **REMARKS/ARGUMENTS**

Claims 1-7, 18 and 21-32 are pending in this application. By this Amendment, claims 1, 2, 18, 21, 22, 26 and 31 are amended, and claims 8-17, 19 and 20 are canceled without prejudice or disclaimer. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

#### **I. Allowable Subject Matter**

The Examiner is thanked for the indication that claims 20-28 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The subject matter of allowable claim 20, as well as intervening claim 19, has been incorporated into independent claim 18. Accordingly, it is respectfully submitted that independent claim 18, as well as claims 21-32, which depend therefrom, should be in condition for allowance.

#### **II. Restriction Requirement**

Applicant maintains the traversal of the Restriction Requirement set forth in the Patent Office Communication dated February 27, 2006. However, merely to expedite prosecution of the application, non-elected claims 8-17 have been canceled without prejudice or disclaimer to be pursued in divisional application(s).

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### **III. Rejection Under 35 U.S.C. §102(e)**

The Office Action rejects claim 18 under 35 U.S.C. §102(e) over Figure 1 of the present application. The rejection is respectfully traversed.

As set forth above, the subject matter of allowable claim 20 and intervening claim 19 has been incorporated into independent claim 18. Accordingly, it is respectfully submitted that independent claim 18 is allowable, and thus the rejection of independent claim 18 under 35 U.S.C. §102(e) over Figure 1 of the present application should be withdrawn.

### **IV. Rejections Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-2 and 7 under 35 U.S.C. §103(a) over Kido et al., U.S. Patent Publication No. 2001/0016508 (hereinafter "Kido") in view of U.S. Patent No. 6,731,753 to Park et al. (hereinafter "Park"). The rejection is respectfully traversed.

Independent claim 1 is directed to a radio modem terminal, comprising a body comprising a functional unit which provides communication capability, a power supply unit rotatably connected to a first side of the body, and a display unit rotatably connected to the first side of the body so as to be positioned between the power supply unit and the body. As acknowledged by the Examiner in the remarks regarding independent claim 1, Kido neither discloses nor suggests at least such features, or the claimed combination of features. Further, Park fails to overcome the deficiencies of Kido.

Park discloses a combination personal digital assistant (PDA)/telephone device 10,

including a base 12 which has a keypad 14 and a cover 16 rotatably attached thereto. When the cover 16 is rotated away from the base 12 to the place the device 10 in an open position, the keypad 14 may be rotated away from its position against the display 18 portion of the base 12 so as to expose the display 18 for use of the device 10 as PDA. When the device 10 is to be used as a phone, the keypad 14 is returned to its position against the display 18 and the buttons 20 are engaged for conventional telephone functionality. The device 10 may be powered by a battery which is not shown in any of Figures 1-19 of Park, but which Park discloses may be carried by either the cover 16 or the base 12 (see also column 3, lines 54-55 of Park).

Park clearly discloses that the battery, which the Office Action compares to the power supply unit recited in independent claim 1, is carried by either the base 12 or the cover 16. In the numerous opened and closed configurations of the various embodiments of the combination device 10 disclosed by Park in Figures 1-19, there is no battery specifically shown, and no portion which may be assumed to be battery shown separated from or rotatably connected to any portion of the either the base 12 or the cover 16. Thus, it is respectfully submitted that Park neither discloses nor suggests that the battery is rotatably connected to a first side of the body 12, as is the power supply unit recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Kido and Park should be withdrawn. Dependent claims 2 and 7 are allowable at least for the

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reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

The Office Action rejects claims 3-6 over Kido and Park in view of Figure 1 and the accompanying discussion thereof in the present application. The rejection is respectfully traversed.

Dependent claims 3-6 are allowable Kido and Park at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Further the present application is merely cited as allegedly teaching a PCMCIA type 2 PC card, and thus fails to overcome the deficiencies of Kido and Park. Accordingly, it is respectfully submitted that claims 3-6 are allowable over the applied combination, and thus the rejection of claims 3-6 under 35 U.S.C. §103(a) over Kido, Park and Figure 1 of the present application should be withdrawn.

The Office Action rejects claims 19 and 30-31 under 35 U.S.C. §103(a) over Figure 1 of the present application in view of Park. It appears, based on the Examiner's remarks that it was also the Examiner's intention to include claim 29 in this statement of rejection. Thus, for purposes of this reply, it is assumed that claim 29 is also rejected over Figure 1 of the present application in view of Park. Further, it is noted that claim 19 is canceled. The rejection, insofar as it applies to claims 29-31, it is respectfully traversed.

Dependent claims 29-31 are allowable over Figure 1 and the accompanying discussion

thereof in the present application at least for the reasons set forth above with respect to independent claim 18, from which they depend, as well as for their added features. Further, Park fails to overcome the deficiencies of Figure 1 and the accompanying discussion thereof in the present application. Accordingly, it is respectfully submitted that dependent claims 29-31 are allowable over the applied combination, and thus the rejection of claims 29-31 under 35 U.S.C. §103(a) over Figure 1 of the present application in view of Park should be withdrawn.

The Office Action rejects claim 32 under 35 U.S.C. §103(a) of Figure 1 of the present application in view of Kikinis et al., U.S. Patent Publication No. 2001/00008000 (hereinafter "Kikinis"). The rejection is respectfully traversed.

Dependent claim 32 is allowable over Figure 1 of the present application at least for the reasons set forth above with respect to independent claim 18, from which it depends, as well as for its added features. Further, Kikinis is merely cited as allegedly teaching various components of the PC card, and thus fails to overcome the deficiencies of Figure 1 of the present application. Accordingly, it is respectfully submitted that claim 32 is allowable over the applied combination and thus the rejection of claim 32 under 35 U.S.C. §103(a) over Figure 1 of the present application in view of Kikinis should be withdrawn.

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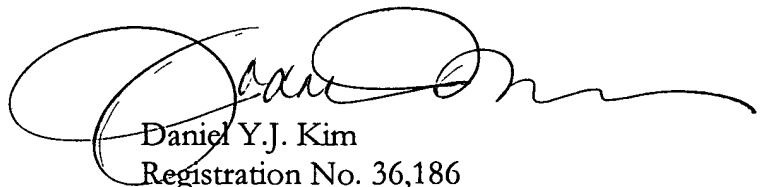
**V. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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